

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

JOSE O. GOMEZ APONTE

DEBTOR(S)

CASE NO.: 18-01896 ESL

CHAPTER 13

**MOTION TO DISMISS**

TO THE HONORABLE COURT:

COMES NOW, Puerto Rico's Administration for Child Support (hereinafter ASUME), as Creditor in the present bankruptcy case, through the undersigning attorney, and hereby respectfully STATES and PRAYS:

1. Debtor José O. Gómez Aponte filed for bankruptcy under Chapter 13 on April 9, 2018.
2. ASUME appeared as Creditor for a pre-petition amount of \$11,871.11, accrued under child support case No. 0321153. (Claim 10-1)
3. The Chapter 13 Plan was confirmed on October 2, 2018. (Docket 26)
4. However, Debtor has failed to comply with his ongoing obligation, to this day owing a total of \$1,292 in post-petition DSO, arrears that will increase to \$1,615 if Debtor further fails to make the payment pertaining to the current month of December 2018. See, *ASUME Debt Certification and Payment History*, Exhibit 1.
5. Section 1307(c)(11) of the Bankruptcy Code provides cause for dismissal for "failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition".

6. In view of the post-petition arrears and the significant public policy involving timely payment of child support, ASUME requests that this Honorable Court orders the dismissal of the present bankruptcy case.

7. Debtor is not an active member of the United States Armed Forces. See, *Status Report*, Exhibit 2.

WHEREFORE, ASUME respectfully prays and requests this Honorable Court considers the above stated and GRANTS the remedy here requested by ordering the dismissal of the present bankruptcy case.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 19<sup>th</sup> day of December, 2018.

I HEREBY CERTIFY: that on this same date I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all registered parties, including Trustee José R. Carrión Morales, and Debtor's Attorney, Roberto Figueroa Carrasquillo, Esq. I further certify that a true and exact copy of the present document has been sent via US Mail to Debtor's address of record: 4828 Roosevelt Boulevard, Philadelphia PA, 19124.

/S/MYRIAM HERNANDEZ-LUCENA, ESQ.

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**Notice:** Within **thirty (30) days** after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States

Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.